

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LUIS RIOS,

Plaintiff,

v.

C.W. MCINTOSH, being sued in her
individual and official capacity,

Defendant.

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8:18CV107

**MEMORANDUM
AND ORDER**

On March 19, 2018, the court ordered Plaintiff to pay an initial partial filing fee of \$20.87 within 30 days, after which the court would conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). (Filing No. [11](#).) Plaintiff has not yet paid the initial partial filing fee, but he has filed a Motion for Appointment of Counsel (Filing No. [12](#)) and a Motion for Continuance (Filing No. [13](#)) for 45 days to allow Plaintiff to receive responses from several entities to which he has sent correspondence seeking legal representation.

The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel” [Id.](#) (quotation and citation omitted). No such benefit is apparent at this time. Thus, the request for the appointment of counsel will be denied without prejudice. However, the court will extend the deadline for filing Plaintiff's initial partial filing fee.

IT IS ORDERED:

1. Plaintiff's Motion for Appointment of Counsel (Filing No. [12](#)) is denied without prejudice;
2. Plaintiff's Motion for Continuance (Filing No. [13](#)) is granted, and Plaintiff shall file his partial initial filing fee of \$20.87 on or before May 14, 2018, after which the court shall conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#); and
3. The clerk of court shall adjust the pro se case management deadline for payment of the \$20.87 initial partial filing fee in this case to May 14, 2018.

DATED this 29th day of March, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge